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EXAMINER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 12

Application Number: 09/422,324
Filing Date: October 21, 1999
Appellant(s): CONSOLE ET AL.

Norman E. Lehrer
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 9/13/01.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 4-8 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

Appellant believes that the claims should be grouped as follows:

Claims 4 and 7;

Claims 5 and 6; and

Claim 8.

Appellant believes that each of the above groups is separately patentable from each of the other groups.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

4,789,904	PETERSON	12-1988
5,289,321	SECOR	2-1994
4,214,381	CLARK ET AL.	7-1980
3,176,602	WILT	4-1965
3,634,008	PLUMMER ET AL.	1-1972
4,067,015	MOGAVERS ET AL.	1-1978
4,233,634	ADAMS	11-1980
4,420,238	FELIX	12-1983
4,728,839	COUGHLAN ET AL.	7-1980

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4 and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Peterson (4,789,904).

Regarding claim 4, Peterson discloses an observation and recording system for a motor vehicle comprising:

camera means carried by the motor vehicle, said camera means being directed at a road in front of the vehicle and at a driver of the motor vehicle (note fig.1, element 12 is a camera inside the motor vehicle and being directed at a road in front of the vehicle and col.3, lines 57-67 discloses that the camera in the surveillance system records the motorist pulled over by the police officer, ie. driver of the motor vehicle, thus camera 12 records both the images in front of the vehicle, ie. the motorist, and at the driver of the motor vehicle, ie. the police officer) and

means for recording images of the road in front of the vehicle and of the driver of the motor vehicle observed by said camera means (note fig.1, element 12 is a camera inside the motor vehicle and being directed at a road in front of the vehicle and col.3, lines 57-67 discloses that the camera in the surveillance system records the motorist pulled over by the police officer, ie. driver of the motor vehicle, thus camera 12 records both the images in front of the vehicle, ie. the motorist, and at the driver of the motor vehicle, ie. the police officer).

Regarding claim 7, Peterson discloses the use of connectors which are equivalent to jacks (col.3, lines 31-32 and also note col.4, lines 19-22 where Peterson discloses a connector means for interconnecting the camera).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (4,789,904) in view of Secor (5,289,321).

Regarding claim 5, Peterson may not appear to disclose the means for recording information from the odometer and the speedometer of the vehicle. However, Secor teaches the means for recording information from the odometer (fig.5, element 50) and the speedometer (fig.5, element 46) of the vehicle. Therefore, it would have been obvious to one of ordinary skill in the art to utilize the teachings of Peterson and Secor for viewing the odometer and speedometer so as to obtain all possible relevant information during the pullover of violating motorists in order to allow an accurate court presentation.

As for claim 6, Peterson discloses a surveillance system that provides information (ie. time, date, identity of motorist's license plate, automobile's make and model, conduct of motorist and officer, audio information) as disclosed in col.3, lines 49-64. Peterson may not appear to disclose the means for recording information from the odometer and speedometer is provided by said camera means. However, Secor teaches the means for recording information from the odometer (fig.5, element 50) and the speedometer (fig.5, element 46) of the vehicle. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Peterson and Secor's for viewing the odometer and speedometer so as to obtain all possible relevant

information during police pullovers in the event of a heated, serious confrontation so as to present a clear and unbiased presentation of the parties involved.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (4,789,904).

Regarding claim 8, Peterson may not appear to disclose the portability of a camera. However, it would have been obvious to one of ordinary skill in the art to recognize that the portability of a camera is an extremely obvious feature because one can easily manipulate and place the camera to any location one desires to capture any point of view needed for image acquisition applications.

(11) Response to Argument

Claims 4 and 7

With regards to page 5, lines 4-7 of Appellant's arguments, Appellant argues that Peterson does not disclose camera means being directed at a road in front of the vehicle and at a driver of the motor vehicle. Peterson does not disclose the means for recording images of the driver of the motor vehicle observed by the camera means. The Examiner respectfully disagrees. As stated before in the previous Office Action, paper No.6, element 12 of Peterson's Figure 1 is a camera, carried by the motor vehicle, that records images with the camera directed at the front of the vehicle. In column 3, lines 57-67, Peterson teaches the camera is directed at the front of the vehicle and the driver of the motor vehicle observed by the camera:

The surveillance system of the invention clearly records the identity of the motorist, license plates, make and model of the automobile and the conduct of both the officer and the motorist, including voice recordings from the wireless microphone on the officer's uniform.

Evidently, the camera means (also the means for recording images) is clearly taught and elucidated by Peterson. The officer who is in the vehicle is clearly being recorded, by the camera in Peterson's Figure 1, element 12, along with other pertinent information in front of the vehicle, such as the license plates, make and model of the vehicle, etc. Thus, Peterson teaches all of the broad limitations of independent claim 4. Therefore, the Appellant's claimed invention is disclosed by Peterson.

In response to page 4, lines of 15-16 of Appellant's arguments about claim 7, Appellant asserts that the Peterson's use of connectors is not equivalent to jacks. The Examiner respectfully disagrees. According to Webster's 10th Edition Collegiate Dictionary, a "jack" is defined as "a female fitting in an electric circuit used with a plug to make a connection with another circuit." In column 3, lines 31-32, Peterson discloses that cables and connectors are used to connect the surveillance system components. A jack is a connector. Thus, the use of connectors is equivalent to jacks because these jacks are used to "connect " one electrical component to another electrical component.

Claims 5 and 6

In response to page 6, lines 13-16 of Appellant's arguments, Appellant contends that neither Peterson nor Secor teaches the means for recording information from the odometer and the speedometer by the camera means. The Examiner respectfully disagrees. As stated before in this Office Action, Peterson teaches the use of a camera, carried by the motor vehicle, to record images in front of the vehicle and the

driver of the motor vehicle. Peterson does not teach the means for recording information from the odometer and the speedometer. However, Secor clearly teaches the means for recording information from the odometer in Figure 5, element 50, and also the speedometer in Figure 5, element 46. The odometer and speedometer are critical and essential elements in determining speeding motorists. Therefore, it would have been obvious to one of ordinary skill in the art to combine the respective teachings of Peterson and Secor to record the speed of passing motorists so that a police officer can determine whether to pull them over for violating the speed limit. The combination of Peterson and Secor would the same results as the Appellant's claimed invention where the officer can utilize all of the recorded information of the scene when the violating motorist or perpetrator challenges the officer to a court hearing with clear, undisputed, unbiased evidence.

In response to page 7, lines 3-9 of Appellant's arguments, Appellant states that the location of the camera is considered to be a patentable feature. The Examiner respectfully disagrees. Court law states that the shifting of the location of parts is not patentable because it does not yield any unexpected results (In re Japikse, 86 USPQ 70 (CCPA 1950)). In other words, one would not be granted a patent for claiming to put a camera directed at a dashboard, of course the camera would record the information at the dashboard. Or if one decides to put a camera facing the rear window of a car, of course the camera would obtain images from the rear window of a car. So, should one obtain patentable rights for simply manipulating the location of a camera, for creating an obvious variation that one of ordinary skilled in the art can easily accomplish? Not

according to court law, In re Japikse, 86 USPQ 70 (CCPA 1950). The placement of a camera from one location to another location does not yield any unexpected results because the camera will always show whatever scene that the camera is being directed at.

Claim 8

Regarding page 8, lines 1-6 of Appellant's arguments, Appellant asserts that the portability of a camera (ie. recording device) is a patentable feature. The Examiner respectfully disagrees. Court law discloses that the movement of a camera from one location to another location does not yield any new and unexpected results (In re Larson, 144 USPQ 347 (CCPA 1965)). Also, see Ranco, Inc. v. Gwynn et al., 128 F.2d 437 [54 USPQ 3]. There is no patentable or inventive weight for claiming an obvious variation of permitting the movement of a camera from one location to another location because if a police officer decides to take a camera and record the image and sound of the scene up close (ie. two feet away), then of course the image would be displayed as the scene up close.

In conclusion, the Examiner respectfully submits that all of the concepts of the present invention are clearly addressed in this Office Action. Claims 4 and 7 are disclosed by Peterson. The modifications to claims 5 and 6 are within the confines of the scope of Peterson and Secor. The modification to claim 8 is within the confines of the scope of Peterson. The Examiner respectfully urges the Board of Appeals to maintain the Examiner's rejection of claims 4-8.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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